In re Application of Dietmar Kaiser Application Serial No. 10/560,240 Amendment After Final Dated March 22, 2010 Page 9

## REMARKS

Claims 1-8, 11-15, 18, 19 and 21-26 are currently pending in the application. The applicant has amended the claims by cancelling claims 1-8, 11-15, 18, 19 and 21-26 and adding new claims 27-46. All claim cancellations have been made without prejudice or waiver. Furthermore, the new claims are supported by the specification and drawings as originally filed. Thus, no new matter has been added.

The new claims are submitted in an effort to assist in expediting allowance of the application in anticipation of the schedule interview with the Examiner on April 6, 2010. The new claims more clearly define the claimed invention and distinguish the claimed invention over the cited prior art. The Examiner has finally rejected claims 1, 3, 8, 11 and 14 under 35 USC 102(b) as being anticipated by U.S. Patent no. 5,946,767 to Sinz and claims 15, 19, 21 and 22 as being anticipated by CH 630684 to Widenmann. The Examiner also rejected claims 1-8, 11-14, 18 and 22-26 under 25 USC 103(a) as being unpatentable over Widenmann in view of Sinz.

In order to maintain a rejection under 35 USC 102(b), the cited reference must contain each and every element of the claimed invention. When a rejection is based on Section 103(a), a *prime facie* case of obviousness must be maintained. The applicant respectfully submits that new claims 27-36 are patentable over Sinz and Widenmann, whether alone or in combination, since neither Sinz nor Widenmann teach or suggest the claimed apparatus. Reconsideration is respectfully requested.

In re Application of Dietmar Kaiser Application Serial No. 10/560,240 Amendment After Final Dated March 22, 2010 Poge 10

## CONCLUSION

The Applicant respectfully requests entry of the foregoing amendments to the claims and reconsideration of the claim rejections. The applicant anticipates that the new claims can be discussed in more detail during interview scheduled with the Examiner for April 6, 2010, and prior to preparation of an Advisory Action. Any unpaid fees associated with this Amendment may be charged to deposit account 50-0881. The Examiner is encouraged to contact the undersigned attorney directly if further action in this case can be expeditiously resolved.

Respectfully submitted.

/Frank W. Compagni/

Frank W. Compagni Registration No. 40,567 Attorney for Applicant MORRISS O'BRYANT COMPAGNI, P.C. 734 East 200 South Salt Lake City, Utah 84102 Telephone: (801) 478-0071 Facsimile: (801) 478-0076